

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JEFFREY NUZIARD, *et al.*,

Plaintiff,

v.

MINORITY BUSINESS DEVELOPMENT
AGENCY, *et al.*,

Defendants.

Case No. 4:23-cv-00278-P

District Judge Mark T. Pittman

**UNOPPOSED MOTION TO STAY DEFENDANTS' RESPONSIVE PLEADING
DEADLINE**

Defendants by and through undersigned counsel respectfully move the Court to stay Defendants' responsive pleading deadline from May 22, 2023 to twenty-one (21) days after the date on which this Court issues a ruling on Plaintiffs' Motion for Preliminary Injunction. Defendants have conferred with Plaintiffs' counsel who informed Defendants that they do not oppose this motion.

In support of the motion Defendants state as follows:

1. On March 20, 2023, Plaintiffs filed a Complaint against the Minority Business Development Agency (MBDA) as well as President Biden, Secretary of Commerce Raimondo, and Under Secretary of Commerce for Minority Business Development Cravins in their official capacities. See Compl., ECF 1.

2. In the Complaint, Plaintiffs seek a judgment declaring the MBDA unconstitutional and in violation of the APA to the extent that the MBDA limits Business Center Program services or other benefits to "minority business enterprises." *Id.* at ¶ A.

3. On March 22, 2023, Plaintiffs served the United States with the Complaint. *See* ECF 12.

4. On April 3, 2023, Plaintiffs filed a Motion for Preliminary Injunction and supporting Brief, seeking to enjoin the MBDA from using the racial or ethnic presumptions defined in 15 U.S.C. § 9501 in operating its programs and services. Pls.' Mot. For Prelim. Inj., ECF 14. Plaintiffs also ask that the Court enjoin Defendants from using the term "minority" to "advertise or reference their statutorily authorized programs and services." *Id.*

5. On April 24, 2023, Defendants filed a Response in opposition to Plaintiffs Motion for Preliminary Injunction. *See* ECF 20.

6. On May 3, 2023, this Court set a hearing on Plaintiffs' Motion for Preliminary Injunction for May 12, 2023. *See* ECF 22.

7. Defendants' current deadline to answer or otherwise respond to the Plaintiffs' Complaint is May 22, 2023.

8. However, because of the substantial overlap between arguments raised in Plaintiffs' Motion for Preliminary Injunction (and Defendants' Response in Opposition) and arguments that may be raised or answers proffered in a response to Plaintiffs' Complaint, the ruling could inform the scope and manner of future pleadings for both Plaintiffs and Defendants.

9. Consequently, we believe judicial economy would be best served by the grant of a stay.

10. On May 3, 2023, counsel for Defendants conferred via videoconference with counsel for Plaintiffs concerning the subject. At that time, counsel for Plaintiffs indicated that they do not oppose the present motion.

WHEREFORE, Defendants requests that this Court enter an Order staying Defendants' deadline for filing a responsive pleading in this matter until twenty-one days after this Court issues an order on Plaintiffs' Motion for Preliminary Injunction.

Dated: May 4, 2023

Respectfully submitted,

KAREN WOODARD
Chief
Employment Litigation Section
Civil Rights Division
United States Department of Justice

ANDREW BRANIFF (IN Bar No. 23430-71)
Deputy Chief

/s/ Vendarryl Jenkins
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CERTIFICATE OF CONFERENCE

On May 3, 2023, I conferred with Cara Tolliver, one of the attorneys for Plaintiffs, regarding the substance of this Motion to Stay and the relief requested therein and she stated that Plaintiffs do not oppose the Motion.

/s/ Vendarryl Jenkins

Vendarryl Jenkins

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2023, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notice to all attorneys of record.

/s/ Vendarryl Jenkins

Vendarryl Jenkins